

(Rep. No. 244.)

FEBRUARY 6, 1839.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. BRONSON, from the Committee on the Territories, reported the following bill:

A BILL

For the relief of the Brothertown Indians, in the Territory of Wisconsin.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 the township of land containing twenty-three thousand and
4 forty acres, lying on the east side of Winnebago lake, in the
5 Territory of Wisconsin, which, by the proviso of a treaty made
6 with the Menomonie Indians on the seventeenth February,
7 eighteen hundred and thirty-one, and ratified on the ninth July,
8 eighteen hundred and thirty-two, was reserved for the use of
9 the Brotherton or Brothertown Indians, and which, by a sub-
10 sequent treaty with the Menomonie tribe, bearing date twenty-
11 seventh October, eighteen hundred and thirty-two, and ratified
12 thirteenth March, eighteen hundred and thirty-three, was
13 further secured to the said Brothertown Indians, may be par-
14 titioned and divided among the different individuals composing
15 said tribe of Brothertown Indians, and may be held by them

16 separately and severally, in fee simple, after such division
17 shall have been made in the manner hereinafter mentioned.

1 SEC. 2. *And be it further enacted,* That, for the purpose
2 of making partition and division of said lands among the
3 individuals of said tribe of Brothertown Indians, a board of
4 commissioners shall be constituted, to consist of five of the
5 principal or head men of said tribe, a majority of whom shall
6 constitute a quorum to do business, whose duty it shall be to
7 make a just and fair partition and division of said lands
8 among the members of said tribe, or among such of them as,
9 by the laws and customs and regulations of said tribe, are
10 entitled to the same, and in such proportions and in such
11 manner as shall be consistent with equity and justice, and in
12 accordance with the existing laws, customs, usages, or agree-
13 ments of said tribe.

1 SEC. 3. *And be it further enacted,* That, for the purpose
2 of electing or choosing said board of commissioners, a meet-
3 ing of said tribe shall be held at their church, or principal
4 place of worship, on the reservation of land aforesaid, on the
5 first Monday in July next, at which all the male members of
6 said tribe over the age of twenty-one years shall be allowed
7 to vote for such commissioners; and the said five commis-
8 sioners shall then and there be chosen or elected by the said
9 tribe, by a majority of the whole number of such voters then
10 present. And the judge of the district in which said lands

11 are situated (or in his absence the register of the land office
12 at Green Bay, or the commanding officer of the United States
13 troops at Fort Howard) shall attend at the time and place
14 aforesaid, and preside at said meeting, superintend the said
15 election, and see that the proceedings are fairly conducted;
16 and the said presiding officer may, in his discretion, prescribe
17 whether the said election shall be by ballot or viva voce; and
18 shall in other respects cause the proceedings to be conducted
19 in such manner as to ensure a fair and proper choice or
20 election; and after the said commissioners shall have been
21 so chosen or elected, the said presiding officer shall imme-
22 diately certify that fact, setting forth the names of the com-
23 missioners who shall be elected, and shall make two copies
24 of said certificate, one of which he shall file in the office of
25 the register of the land district at Green Bay, and the other he
26 shall transmit by mail to the President of the United States.

1 SEC. 4. *And be it further enacted,* That after the said
2 commissioners shall have been elected or chosen as above
3 prescribed, and as soon thereafter as conveniently may
4 be, they shall proceed to make partition and division of
5 all the lands aforesaid among the individual members of said
6 tribe, or among such of them as, by the laws, customs, usages
7 or agreements of said tribe, are justly entitled to the same,
8 and in such way and manner, and upon such principles and
9 in such proportions as shall be agreeable to equity and jus-

10 tice, and consistent with the laws, usages, customs, and agree-
11 ments of said tribe: *Provided, however,* That the buildings
12 and improvements, and the farms on which the same are
13 situated, which are now held or possessed in severalty by
14 the members of said tribe, shall, so far as the same can
15 consistently be done, be allotted or apportioned to the present
16 occupants; and that no person or individual of said tribe
17 shall be dispossessed or deprived of the improvements or
18 land which they now occupy, unless it shall be found by the
19 said commissioners that such person or persons are in the
20 possession of and occupying more land than they are justly
21 entitled to, and then the overplus may be apportioned to
22 others.

1 SEC. 5. *And be it further enacted,* That after the said
2 commissioners shall have made such partition and division,
3 as aforesaid, they shall make, or cause to be made, a full report
4 of their proceedings in the premises, setting forth the name
5 of each person to whom they have apportioned any part of
6 said land, the quantity apportioned or allotted to each, with
7 the metes and bounds, or other definite description of each
8 several piece or parcel of land; and they shall accompany the
9 said report with a fair and accurate map of the whole, show-
10 ing the divisions and partitions aforesaid; which report and
11 map, or a copy thereof, shall be deposited with the town
12 clerk of said tribe, on or before the first day of October next,

13 and shall remain open for inspection to all, for the space of
14 twenty days thereafter; and if any member or members of
15 said tribe shall object to the partition or division so made by
16 the said commissioners, or shall deem himself or themselves
17 aggrieved thereby, he or they may, within ten days thereafter,
18 give notice thereof to the said commissioners, who shall,
19 within twenty days thereafter, meet to hear and determine
20 such grievances, and take testimony, if necessary; and after
21 such hearing, shall have power to alter or modify such par-
22 tition, if, in their judgment, any alteration or modification is
23 necessary, in order to do equal and exact justice to all parties
24 in interest.

1 SEC. 6. *And be it further enacted,* That, after the said
2 report shall be finally completed, the commissioners shall
3 cause three copies of the said report, and of the map accom-
4 panying the same, as finally agreed upon and settled, to be
5 made and signed by said commissioners, one copy of which
6 shall be deposited in the office of the secretary of said Ter-
7 ritory, one copy in the office of the clerk of the county within
8 which said lands are situated, and the other shall be trans-
9 mitted to the President of the United States, who shall there-
10 upon cause patents to be issued to the several individuals
11 named in said report, for the lands so apportioned to them
12 respectively, by which the said persons shall be authorized

13 to hold the said lands in fee simple to themselves and their
 14 heirs and assigns.

1 SEC. 7. *And be it further enacted,* That the said report
 2 and map shall be filed with the secretary of said Territory,
 3 and in the clerk's office of said county, and shall also be trans-
 4 mitted to the President on or before the first day of January
 5 next; and after the same shall have been filed and trans-
 6 mitted to the President, as aforesaid, the said Brothertown
 7 Indians, and each and every of them, shall then be deemed
 8 to be, and from that time forth are hereby declared to be,
 9 citizens of the United States to all intents and purposes, and
 10 shall be entitled to all the rights, privileges, and immunities
 11 of such citizens, and shall, in all respects, be subject to the
 12 laws of the United States and of the Territory of Wisconsin,
 13 in the same manner as other citizens of said Territory; and
 14 the jurisdiction of the United States and of said Territory
 15 shall be extended over the said township or reservation now
 16 held by them in the same manner as over other parts of said
 17 Territory; and their rights as a tribe or nation, and their
 18 power of making or executing their own laws, usages, or cus-
 19 toms, as such tribe, shall cease and determine: *Provided,*
 20 *however,* That nothing in this act shall be so construed as to
 21 deprive them of the right to any annuity now due to them
 22 from the State of New York or the United States, but they
 23 shall be entitled to receive any such annuity in the same
 24 manner as though this act had not been passed.